In the High Court of Judicature at Madras

Dated:12.06.2006

Coram:

The Hon'ble Mr. Justice P.SATHASIVAM

and

The Hon'ble Mr. Justice V.DHANAPALAN

Habeas Corpus Petition No.335 of 2006

A.Venkatachalam .. Petitioner

vs.

1. The Superintendent of Police
   Salem District, Salem.

2. The Inspector of Police
   Athur Police Station
   Athu, Salem District.

3. M.Ramasamy
4. R.Rajendran
5. Kumar .. Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of writ of habeas corpus as stated therein.

For petitioner : Mr.J.Saravanavel
For respondents : Mr.M.Babu Muthu Meeran
Addl. Public Prosecutor for R1 and 2
Mr.Kandavadivel Duraisamy for R3 to 5

ORDER

(Order of the Court was made by P.SATHASIVAM,J.,)

The petitioner, by name, A.Venkatachalam has filed this petition seeking production of his son V.Ramakrishnan before this Court and set him at liberty.

2. Pursuant to our direction, the detenu V. Ramakrishnan, appeared before us. During our enquiry though it is stated by the detenu that he was kidnapped by respondents 3 to 5 and harassed by them, he fairly admitted that he has not made any complaint to the police till this date. On the other hand, learned Additional Public Prosecutor appearing for respondents 1 and 2 reports that a case has been registered against the detenu in Crime No.310 of 2006 on the file of Athur Police Station for an offence under Section 363 IPC and later it was altered into Sections 147, 341, 323, 324, 344, 363 and 506 (ii) IPC.

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In the light of the above developments, the detenu is set at liberty and at the same time, respondents 1 and 2 are free to proceed against the detenu in accordance with law. With the above observation, this petition is disposed of.

12.06.2006

Being Mentioned

This petition having been posted on Thursday the Twenty Second day of June 2006 (22.6.2006) for being mentioned in pursuance to the order of this Court (dated 12.6.2006 and made in HCP.No.335 of 2006 and in the presence of the aforesaid Advocate the Court made the following order :

(Order of the Court was made by P.SATHASIVAM,J.)

At the instance of the learned counsel for the petitioner, the above petition was posted today for "Being Mentioned".

2. It is brought to our notice that in paragraph 2 of our earlier order dated 12.06.2006, while recording the statement of learned Additional Public Prosecutor, by mistake it is mentioned as that "a case has been registered against the detenu in Crime No.310 of 2006 on the file of Athur Police Station". It is represented by the learned Additional Public Prosecutor that the case has been registered against respondents 3 to 5 herein and not against the detenu as stated in para. It is only a typographical error. Hence, the last sentence of para 2 should be read as,

> ".... case has been registered against respondents 3 to 5 herein in Crime No.310 of 2006 on the file of Athur Police Station".

In the same way, in paragraph we mentioned that respondents 1 and 2 are free to proceed against the detenu instead of respondents 3 to 5. The same should also be corrected as,

> "respondents 1 and 2 are free to proceed against respondents 3 to 5".

3. It is made clear that we merely recorded the statement of learned additional public prosecutor and we have not expressed anything on the merits or the allegations made against respondents 3 to 5.

22.06.2006

Kh

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

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To

1.The Superintendent of Police
Salem District, Salem.

2.The Inspector of Police
Athur Police Station
Athur, Salem District.

3.The Public Prosecutor
High Court, Madras.

+ one cc to M/S.Muthumani Doraisami,
Advocate Sr.No.26518.
+ one cc to M/S.P.V.Bakthavatchalam,
Advocate Sr.No.26260.

To be substituted to the order already despatched on date 19.6.2006.

AMB (CO)
RSM/15.6.2006

H.C.P.No.335 of 2006

RVL 29.06.2006

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